

---

*If all waiver authority is vested in the administrative branch, Congress becomes essentially a rubber stamp. At the very least, an independent review body with a consistent process to review waivers may be needed.*

---

moving away from separate categorical needs. Ironically, some of these provisions are now nullified by certain new waivers and schoolwide projects. If all waiver authority is vested in the administrative branch, Congress becomes essentially a rubber stamp. This has serious constitutional implications regarding conflict-of-interest issues and oversight in the federal government. At the very least, an independent review body with a consistent process to review waivers may be needed.

### Alternatives/Recommendations

Clearly, more thought needs to be given to this issue before we move to an education policy agenda that can nullify legislative intent. Without some reflection and attention to the above areas of concern, categorical programs will be open to radical departures from their intent. Assessment of the effectiveness of all federal programs for all students, including special populations, is necessary to protect the federal investment in fair and equal education. The following are ASPIRA's recommendations on schoolwide program provisions and waiver authority:

1. **Structure flexibility measures like a competitive grants process.** This would require schools to submit proposals or applications within a given time period to waive a specific requirement or begin a schoolwide project. The Department of Education would review applications and accept or deny them. The school could be required to submit a plan describing how the flexibility would help it improve. Additionally, this competitive grants process would require thorough assessments of a schools' performance after receiving the waiver or adopting schoolwide status. This would ensure that schools identify areas where regulations are particularly problematic and intrusive. Also, if schools consis-

tently request a waiver for a particular provision, this would signal a problem with the legislation that could be legislatively remedied.

2. **Create an appropriate mechanism for review and dissemination of waiver authority.** Because the balance of power should be maintained in the legislative, implementation, and evaluation processes, an appropriate mechanism should be established to ensure Congress' authority. This might consist of an independent body of persons who review requests for waivers and increased flexibility on a case-by-case basis. They would be required to act within a prescribed time period. At the least, Congress, the public, local and state agencies, and relevant civil rights and advocacy groups should be informed of the intended action to grant flexibility and allowed to intervene when necessary.
3. **Exempt volatile categorical programs from schoolwide projects and waivers.** Certain programs should be exempted from flexibility projects due to the need to maintain specific and targeted services to particularly neglected students. For example, if the purpose of the Migrant Education Program is to serve migrant children, schools cannot be allowed flexibility to stop serving or monitoring the progress of migrant children with these federal dollars.
4. **Exempt critical provisions from schoolwide projects and waivers.** Provisions which ensure civil rights, health, safety, parental and student participation and which relate to the purposes of the legislation should be exempted from waiver authority. Schools which receive funds under Perkins Vocational Education Programs for example, should not be able to receive a waiver of requirements to provide for access, assessment, and services for special populations. These safeguards are guaranteed under current law.
5. **Determine whether school improvement can be achieved without waiver authority or the establishment of schoolwide projects.** This will require additional research, perhaps on a case-by-case basis,



or for schools with similar demographics. This process would require additional technical assistance for the schools.

### Conclusion

The increased use of waivers and the move to an education policy agenda that favors the expansion of schoolwide projects has serious implications for the Latino community and other special populations. Recent flexibility proposals would permit the federal government to abdicate its role in education policymaking. In an era of nationwide school reform, it is crucial for policy makers and administrators at all levels to work together to determine what will most effectively allow all children to succeed in school.

### References

- Commission on Chapter 1 (1992), "Making Schools Work for Children in Poverty." Washington, DC: American Association for Higher Education.
- Fianagan, J.D.; Richardson, M.D. (1991), "Deregulated Schools: A Research Study." Paper presented at annual meeting of the National Council of Professors of Educational Administration, Fargo, ND.
- Fuhman, Susan H.; Elmore, Richard F. (1992), "Takeover and Deregulation: Working Models of New State and Local Regulatory Relationships." New Brunswick, NJ: Rutgers University Consortium for Policy Research in Education.
- Millsp, Mary Ann; Moss, Marc; Gamoe, Beth (1993), "The Chapter 1 Implementation Study, Final Report." Washington, DC: Office of Policy and Planning, U.S. Department of Education.

- National Governor's Association (1987), "Bringing Down the Barriers: Making America Work." Washington, DC: Center for Policy Research.
- Peñla, Alejandro; Oran, Lori S. (1984), "Community Access to Information on Education: A Case Study on the Education Block Grant." Washington, DC: Office of Research, Advocacy, and Legislation, National Council of La Raza.
- United States General Accounting Office (1994), "Regulatory Flexibility in Schools: What Happens When Schools are Allowed to Change the Rules?" Report to Congressional Committees, Washington, DC.
- Schenck, E. Allen; Beckstrom, Sharon (1993), "Chapter 1 Schoolwide Project Study." Washington, DC: Office of the Undersecretary, U.S. Department of Education.
- Thornburgh, Dick; Scanlon, Robert (1982), "Toward a New Partnership in Public Education: Pennsylvania's Strategy for Giving Greater Flexibility to Local Schools." Harrisburg, PA: Pennsylvania State Department of Education, Pennsylvania State Governor's Office.
- Winfield, Linda (1991), "Lessons from the Field: Case Studies of Evolving Schoolwide Projects." Educational Evaluation and Policy Analysis, Vol. 13, No. 4, pp. 353-362.

*For additional copies of School Flexibility at School Failure?, or ASPIRA's other publications in its Issue Briefs series--School-to-Work: Opportunity or Barrier?; School Finance: Many Questions, Elusive Solutions; Minority Scholarships: Affirmative Action or Reverse Discrimination?; National Testing: The National Debate; and School Choice: Pros, Cons, and Concerns--write care of Publications at the ASPIRA National Office. One copy is free, additional copies or additional titles are \$1.00 per copy. You may also request further information on other ASPIRA publications or on the ASPIRA quarterly newsletter.*

ASPIRA Association, Inc.  
National Office  
1112 16th Street, NW, Suite 340  
Washington, DC 20036

Nonprofit  
Organization  
U.S. Postage  
PAID  
Permit #1531  
Washington, D.C.



## Charter Schools: An experiment in school reform

**M**ore and more states across the nation are experimenting with a new type of school that can radically alter the educational landscape in the next century. Horace Mann's notion of a comprehensive school in every community, where children across America are educated in substantially similar ways, is falling out of favor. Replacing it is a desire for specialization, where children and their parents choose the school whose individual focus particularly matches their needs or interests. Each of these new little schools is its own experiment in effective schooling--what one commentator has called the "let a thousand flowers bloom" approach to education reform. These **charter schools**, as they are called, may mark the beginning of a new era. What are their benefits--and their dangers--for those inner-city and minority children who suffer most under the current system of public education?

Traditional public schools--the kind most American adults attended--offer a comprehensive curriculum with a little bit of everything. While all students are exposed to subjects ranging from biology to foreign languages to art, those who are particularly interested--or particularly gifted--in a specific topic area are usually expected to find enrichment courses outside of the regular school day. Beginning in the 1970s, magnet schools experimented with a more focused curriculum as a response to desegregation court orders. While including all the basics, magnet schools focus on a specific area of study, such as science or music, and offer students a more intensive curriculum in that field.

Charter schools incorporate the focus of magnet schools but often go beyond their academic specialization to more social goals. For example, currently-operating charter schools in New York City include the El Puente Academy for Peace and Justice, the Health Opportunities Collaborative High School, the Brooklyn School for Global Studies, and the South Bronx Academy for Community Leadership. Unlike the magnet high schools, charter schools can operate at both the elementary and secondary school levels. They are all quite small. However, the greatest difference between charter schools and all other public schools is the charter schools' status as a bridge between public and private institutions.

As their name implies, charter schools operate on a charter, or contract, between the school's founders and the state government or school district. Founders often include a mixture of community groups, parents, teachers, private companies, and institutions such as museums or universities. Under the charter, schools are largely exempt from the school board regulations governing other public schools. In essence, the charter approach to education promises improvements in student performance in exchange for the freedom to experiment with innovative approaches to learning. Charter schools diversify the types of schools students and parents can select from, enhancing school choice. And they are on the increase. First pioneered in 1991, charter schools numbered over 200 by mid-1995.<sup>1</sup> The federal government has also gotten involved, with new federal grant programs approved in 1995 to support the design and implementation of charter schools.

### *Case Studies*

How do these individual experiments work? City Academy in St. Paul, MN, the first successful charter school, targets alienated, dropout-prone youth by implementing a community-based educational approach. Enrollment is contingent on the student's agreement to respect both the school and community. City Academy classifies itself as a public, nonprofit corporation. Students do not pay tuition. Funding comes from the Minnesota Student Aid Foundation, with additional grants from the Northern States Power Company. Corporations and agencies also provide the students with learning experiences and facilities. By reducing administrative costs, City Academy is able to put more money into direct education, including a 5:1 student-teacher ratio. Its success has been marked. According to recent testimony before the U.S. Congress, of the twenty-one students who graduated in June 1994, twenty planned post-secondary education.<sup>2</sup> City Academy recently began a project to educate students who are parents, offering licensed child care on site in their community day care facility, where students also volunteer.

Other charters have been less successful. Edutrain, a Los Angeles charter school also concentrating on dropouts, is now over \$1 million in debt. Opened in 1993, it sought to utilize a curriculum geared toward at-risk students. Fifteen percent of its student body were on parole and the remaining 85% had arrest records.<sup>1</sup> Students indicated that they appreciated the educational approach as well as the school's existence as a safe zone from gang warfare. Several board members were distinguished educators. Yet within a year, Edutrain owed over \$240,000 to the Los Angeles Unified School District for the students it planned to enroll. Pupil turnover was high, with only 100 of the 500 students returning in the fall.<sup>2</sup> Students continued to suffer as the district scrambled to relocate them to other schools.

Except for extreme cases like Edutrain, most charter schools are still too new to determine success. Anecdotal evidence shows that they are popular with the students and parents involved, but it is still unknown whether this enthusiasm will consistently translate into improved student performance.

## Legislation

National legislation delegates to the states the decision of whether or not to contract charter schools. By January 1995, eleven states provided for establishing charter schools: Arizona, California, Massachusetts, Colorado, Georgia, Hawaii, Kansas, Massachusetts, Michigan, Minnesota, New Mexico, and Wisconsin. Fourteen more states, including Connecticut, Pennsylvania, Florida, Illinois and New Jersey, were considering charter school legislation for 1995, and by the start of the 1995 school year, nineteen states allowed charters.<sup>3</sup> Although degrees of autonomy differ from state to state, a charter school is typically authorized to operate as an independent entity implementing an innovative approach to education that is judged by student performance.

Recently the federal government has also given its support to charter schools. The Administration's education reform legislation, the Goals 2000: Educate America Act, asserts that school reform entails "providing flexibility to individual schools and local educational agencies."<sup>4</sup> The Goals 2000 emphasis on local school reform includes the option to allow states to create charter schools as part of their reform plan.

The recent Congressional reauthorization of the federal Elementary and Secondary Education Act also includes a new grants program for charter schools, which it says, "can embody the necessary mixture of enhanced choice, exemption from restrictive regulations, and a focus on learning gains."<sup>5</sup>

## Concerns about charter schools

### Accountability

Due to charter schools' independence, measuring student performance is crucial. Some educators fear that charter schools' independence will allow the schools to evade the standards followed by traditional schools. There is also a fear that when private companies become involved in running charter schools, they may operate more according to financial than educational standards.

Proponents of charter schools argue that accountability increases within charter schools. Linda Powell, the Commissioner of the Minnesota Department of Education, testified before Congress that: "Charter schools are far more accountable than traditional public schools...If student performance does not result, the charter is revoked and the school is out of business. At the charter school, adult success depends on student performance."<sup>6</sup>

Within the accountability debate remains the question of testing and evaluation. Some contracts with charter schools mandate specific evaluation instruments and results; others do not. In keeping with their innovative teaching styles, many charter schools conduct non-traditional evaluations of students, such as the use of portfolios. These assessments may supplement the school district's standardized tests, or may be a substitute for them. Many charter schools also promote social evaluations such as participation in community service. There is as yet no clear agreement over how to reconcile these more holistic evaluations with the need to ensure that students are receiving a quality education.

### Jurisdiction

Many charter schools qualify as local education agencies, placing them outside of the jurisdiction of the school board. These schools are evaluated and overseen by the state. However, some states require that the local school board approve charter schools within the district. Unlike the traditional public school, charter schools conduct administrative duties from within, minimizing administrative and bureaucratic costs but also, as noted above, potentially diminishing their accountability. However, if the school board retains control, the charter school's distinguishing autonomy significantly decreases. Concern over jurisdiction has led to opposition to charters in some communities.

### Funding

Charter schools save money by decreasing administrative costs. Public schools, by comparison, do not have the same budgetary freedom to reduce class size and design new programs.

The charter school can also access various types of funding. If it qualifies as a local education agency--in essence, its own school district--it is entitled to federal Title I funds to serve disadvantaged students. Some states have designated specific funds for charter schools, as is the case with City Academy in Minnesota. Many charter schools also receive funding from private and corporate sources. Fifty of New York City's new charter schools, for example, were founded with a \$25 million Annenberg Foundation grant. As mentioned above, the federal government has also authorized a grant program of \$15 million for the funding of charter schools.

## Privatization

The ability of charter schools to obtain funding from private corporations raises concerns. Some argue that business involvement will make charter schools more competitive and efficient. Others warn that privatization can compromise educational standards as well as removing education from public influence. Regardless, corporations have been taking a strong interest in the opportunities available in charter schools.

Privatization implies that management is the system's fundamental woe. However, the record of privatization is not clear-cut. Educational Alternatives Inc., a group which has assumed management of schools in Baltimore and Hartford, has recently been criticized as the first longitudinal measures of student performance in its schools show declines.

## Discrimination

Accompanying privatization is the concern that such schools will evade civil rights and other such antidiscriminatory laws. The admissions policies sought by various charter schools fuel this impression. Disability groups are concerned that charter schools will not only discourage admittance to disabled students, but will also contradict the movement toward inclusion by encouraging disability-specific charter schools. Civil rights groups in general believe that shielding schools from governmental regulations will diminish opportunities to monitor accountability both to fair admissions practices and fair treatment once in the school. The federal government seeks to deal with this concern by mandating that all schools receiving funds from its charter school initiative adhere to civil rights statutes and that all students be "given an equal opportunity to attend the charter school."<sup>18</sup> In Colo-

rado, legislation provides that any of the charter schools within the state must reflect the diversity of the district.

## Impact on remaining public schools

Given that charter schools are set up as small experiments serving a limited number of a community's children, what impact will they have on other public schools? Advocates argue that their innovations will serve as models for widespread school reform. Charter schools allow educators to test and implement new teaching methods and approaches. Moreover, their existence means competition in the school system, thus pushing all schools to do better. Critics charge that by working outside of the school system, charter schools ignore the problems and possibilities at existing public schools and thus cannot serve as models. Instead, they foster a situation in which the remaining schools and their pupils are forgotten. In Michigan, various civic groups rallied against charter schools, alleging that they divert funds away from regular public schools.

## Opportunities within charter schools

### Dropout-targeted schools

Charter schools can offer hope to students formerly overlooked by the educational system, especially dropouts. For example, the ASPIRA of Illinois Alternative High School in Chicago enrolls dropouts from the regular school system through age twenty. It operates on a city college grant and is not subject to all requirements specified by the Illinois Board of Education. Accountability is measured by a team connected with the Board of Education which makes periodic evaluations. The school, which registers many successful graduations of former dropouts, is credited by current principal Ramón López as providing the individualized attention such students need to succeed.<sup>19</sup> Thus such schools may prove that certain educational approaches--such as small class size--are successful in reaching dropout-prone students in other schools.

### Bilingual specific schools

Within some public schools, bilingual programs are second-class, generating a two-tiered system in which course content in the bilingual program is significantly less challenging. Supporters of bilingual education propose reforms which utilize public and professional participation, set high goals for achievement, explore innovative curricula, and ensure enthusiastic and well-trained teachers. These reforms dovetail with those envisioned by charter schools. Bilingual charter schools respond to the demands of the community when requests to the school board go unanswered. For example, the Bilingual/International School in Washington, DC opened as a charter

THIS ISSUE BRIEF WAS WRITTEN BY BELINDA CORAZON DITTMAR, INFERN, ROGIE TORRES, ASPIRA DIRECTOR OF PUBLIC POLICY, AND ELIZABETH WEISER, COMMUNICATIONS CONSULTANT. IT WAS PRODUCED BY THE ASPIRA INSTITUTE FOR POLICY RESEARCH.

school in fall 1995 in response to parental frustration after years of waiting lists of over 200 students at the district's only bilingual public school.

## Cultural legacy schools

Many of the initial charter schools operate as legacy schools which focus on a certain cultural history. These schools include a number around the country with African- or Latino-centered curricula, as well as others that use students' neighborhoods as learning laboratories. Such schools provide role models and lessen alienation among the youth who attend them. Principal Ramón López notes that another of the reasons for the success of the ASPIRA Alternative High School is "cultural identity in the curriculum" in order to maintain responsiveness to its primarily Puerto Rican student body. Cultural legacy schools exemplify the argument that charter schools answer the needs of specific communities.

Because of their small size and strong community input, charter schools often bridge the gap between inner-city communities and the schools in their neighborhoods. Many charter schools actively seek to be "good neighbors" and also to reintegrate students with their community, raising their sense of responsibility as well as providing them with real-world experience.

## Conclusion

The experimental nature of charter schools is both their greatest strength and their greatest risk. Students may benefit from a more responsive curriculum, committed teachers, and small class size. Or they may become guinea pigs in someone's educational experiment. Finding a balance between creative, responsive evaluations and accountability for high-quality learning is clearly a major need. So too is striking a balance between economics and quality. Needed resources cannot be

sacrificed for greater efficiency. Yet charter schools cannot be allowed to drain resources from the rest of the public school system. In the end, most children will still attend traditional public schools. For inner-city children, these schools are often poorly-equipped, violent, unchallenging places. A good charter school can be a way out for the several hundred children who attend it, but it can be only a piece of a comprehensive school reform plan that reaches all children.

### Endnotes

<sup>1</sup>"Plotting a New Course for Education," *The Washington Post* (August 21, 1995).

<sup>2</sup>Testimony, Milo J. Cyner, Co-Director City Academy, St. Paul Minnesota, given to the Subcommittee on Labor Health and Human Services and Education and Related Agencies, January 19, 1995.

<sup>3</sup>"Charter Schools: Gain and Pain," *Los Angeles Times* (December 5, 1994).

<sup>4</sup>Albert Shanker, "Charter Schools aren't Necessarily Good Schools," *The Washington Post*, (December 21, 1994).

<sup>5</sup>"Plotting a New Course for Education," *The Washington Post* (August 21, 1995).

<sup>6</sup>Goals 2000 Act, text.

<sup>7</sup>Improving America's Schools Act, text.

<sup>8</sup>Commissioner Linda Powell, Minnesota Department of Education. Testimony presented to the United States Senate, Health and Human Services and Education Subcommittee, Committee on Appropriations, January 19, 1995.

<sup>9</sup>Improving America's Schools Act, Sec. 10303.

<sup>10</sup>Ramón López, personal interview.

For additional copies of *Charter Schools: On the Road to School Reform?*, or ASPIRA's other publications in its *Issue Briefs* series—which includes briefs on *School Flexibility and Waivers*, *School-to-Work Initiatives*, *School Finance*, *Minority Scholarships*, *National Testing*, and *School Choice*—write care of Publications at the ASPIRA National Office. Issue Briefs are \$1.00 per copy. You may also request further information on other ASPIRA publications or on the ASPIRA quarterly newsletter.

ASPIRA ASSOCIATION, INC.  
NATIONAL OFFICE  
1112 16TH STREET, NW, SUITE 340  
WASHINGTON, DC 20036

NONPROFIT  
ORGANIZATION  
U.S. POSTAGE  
PAID  
PERMIT #1531  
WASHINGTON, D.C.